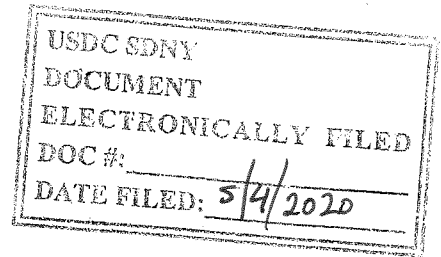


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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UNITED STATES OF AMERICA :

ORDER

v. :

S1 17 CR 36 (VB)

TERRY COVINGTON, :

Defendant. :

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By letter dated April 21, 2020 (which will be separately docketed), defendant Terry Covington filed a motion for "compassionate release" pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). That statute contains an explicit exhaustion requirement: "[T]he court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment . . . if it finds that . . . extraordinary and compelling reasons warrant such a reduction."

Defendant does not claim that he made any effort to exhaust his administrative remedies under Section 3582 prior to submitting the instant motion. The Court does not have the power to waive that requirement. See, e.g., United States v. Roberts, 2020 WL 1700032 (S.D.N.Y. Apr. 8, 2020).

By May 11, 2020, the government shall advise the Court in writing whether it is willing to waive the exhaustion requirement in this case. If the government is not willing to waive, the Court will deny the instant motion without prejudice to re-filing after the exhaustion requirement has been satisfied.

Chambers will mail a copy of this Order to defendant at the following address:

Terry Covington
Reg. No. 78666-054
FPC McKean
P.O. Box 8000
Bradford, PA 16701

Dated: May 4, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge